



# MAYOR AND COUNCIL AGENDA

NO. 17

DEPT.: Community Planning and Development Services DATE: November 18, 2004  
Contact: Scott E. Parker, AICP, Planner III

**ACTION:** Adoption of resolution to provide for a new public hearing in connection with the annexation petition ANX2004-00136 of 16.95 acres of property, comprising the east side of the Twinbrook Metro Station parking lot.

Washington Metropolitan Area Transit Authority (WMATA), Petitioner.

**ACTION STATUS:**

**FOR THE MEETING OF:** 12/06/04

INTRODUCED

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

**ROCKVILLE CITY CODE,**

CHAPTER

SECTION

☐ CONSENT AGENDA

**RECOMMENDATION:** Adopt resolution to establish a Public Hearing date of January 10, 2005.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

This annexation would increase the area of the City by approximately 16.95 acres and facilitate the development of the Twinbrook Metro Station site, commonly referred to as Twinbrook Commons.

**BACKGROUND:**

This resolution is required to change the original date of the Public Hearing for the annexation of a portion of the Twinbrook Commons development from November 1, 2004 to January 10, 2005. At its meeting of September 13, 2004, the Mayor and Council established, by Resolution, a public hearing date of November 1, 2004 for this item. Subsequent changes to the plan and further evaluation of the proposal resulted in the item not being heard on that date. All relevant changes and evaluation of the project has progressed, and the applicant would like to proceed with a January 10, 2005 public hearing date, as provided herein.

The petitioners request annexation into the City of Rockville, property consisting of a single parcel of land containing 16.96 acres. The parcel is currently improved with a Metro parking lot and bus circulation areas. The subject property is classified in the TSR (Transit Station Residential) zone in Montgomery County. The petitioners request that the subject property be classified in the RPC (Rockville Pike Commercial) zone in the City of Rockville by the Mayor and Council upon annexation. The *City's Comprehensive Master Plan* recommends RPC zoning for the entire property.

The subject petition has been submitted in accordance with the provisions of Article 23A of the

Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation. This law requires the Mayor and Council to introduce a resolution to propose annexation promptly upon being petitioned to do so. The Mayor and Council introduced a resolution to enlarge corporate boundaries of the City to include the subject property at its meeting on September 13, 2004. Section 25-99 of the City of Rockville Zoning & Planning Ordinance requires the Planning Commission to conduct a public hearing so that interested persons, who wish to speak and/or submit written comments into the official record, have an opportunity to do so. The Planning Commission will hold its public hearing on December 15, 2004, to allow interested parties to comment and/or submit written comments into the official record regarding the annexation of the property. The Mayor and Council are scheduled to hold a public hearing on the request on January 10, 2005.

Twinbrook Commons L.L.C. and WMATA have entered into a joint development agreement to develop the 26-acre WMATA-owned property at the Twinbrook Metro Station. The applicant is proposing a mixed-use residential, office, and retail transit oriented development. Currently, 16.96 acres of the project are in Montgomery County. The portion of the proposed development within the City is 10.3 acres, with all but 1.77 acres of the City portion on the west side of the CSX and Metro tracks. The 1.77-acre piece within the City of Rockville on the east side of the tracks, is commonly referred to as the Suburban Propane site.

The applicant proposes a total development of 1,706 residences, 220,000 square feet of retail, 325,000 square feet of office, and 1,151 Metro parking spaces.

The redevelopment of the Twinbrook Metro Station has the following pending applications:

1. Annexation Petition ANX2004-00136
2. Text Amendment TXT2004-00213
3. Sectional Map Amendment MAP2004-00090
4. Preliminary Development Plan PDP2004-00009

It should be noted that Montgomery County has approved a Preliminary Development plan for the development in the TSR Zone within Montgomery County.

### **PROPOSAL:**

The applicant also has requested a text amendment (TXT2004-00213) to provide an alternative method of optional development within the RPC zones for large tracts of land located in close proximity to a metro station entrance. The following items are relevant issues associated with the text amendment:

#### **Application**

1. Minimum of ten acres
2. Located within 1,200 feet of a Metro station entrance
3. RPC zone

#### **Process**

1. Approval of a Preliminary Development Plan (PDP) for the entire site by the Mayor and Council.
2. Subsequent approval of Use Permits for individual phases by the Planning Commission

#### **Preliminary Development Plan Approval**

1. PDP indicating uses, densities, heights and general locations of uses and roads
2. Trip Reduction Agreement
3. Twelve-year Adequate Public Facilities validity period

Development Standards

1. Residential and commercial uses required, with a minimum of ten percent ground floor retail
2. Maximum commercial density of 1.0 FAR
3. Maximum heights for residential structures – 170 feet if 300 feet or more from single family detached residential property; otherwise 140 feet
4. Maximum height for commercial structures – 170 feet if 300 feet or more from single family detached residential property; otherwise 110 feet
5. Setbacks from off-site, single family detached residential units – one foot for every three feet of height

PREPARED BY:

SP Parker 11.24.04  
Scott Parker, AICP, Planner III

APPROVE:

Robert J. Spalding  
Robert J. Spalding, AICP, Chief of Planning

11.29.4  
Date

Arthur D. Chambers  
Arthur D. Chambers, AICP, Director, CPDS

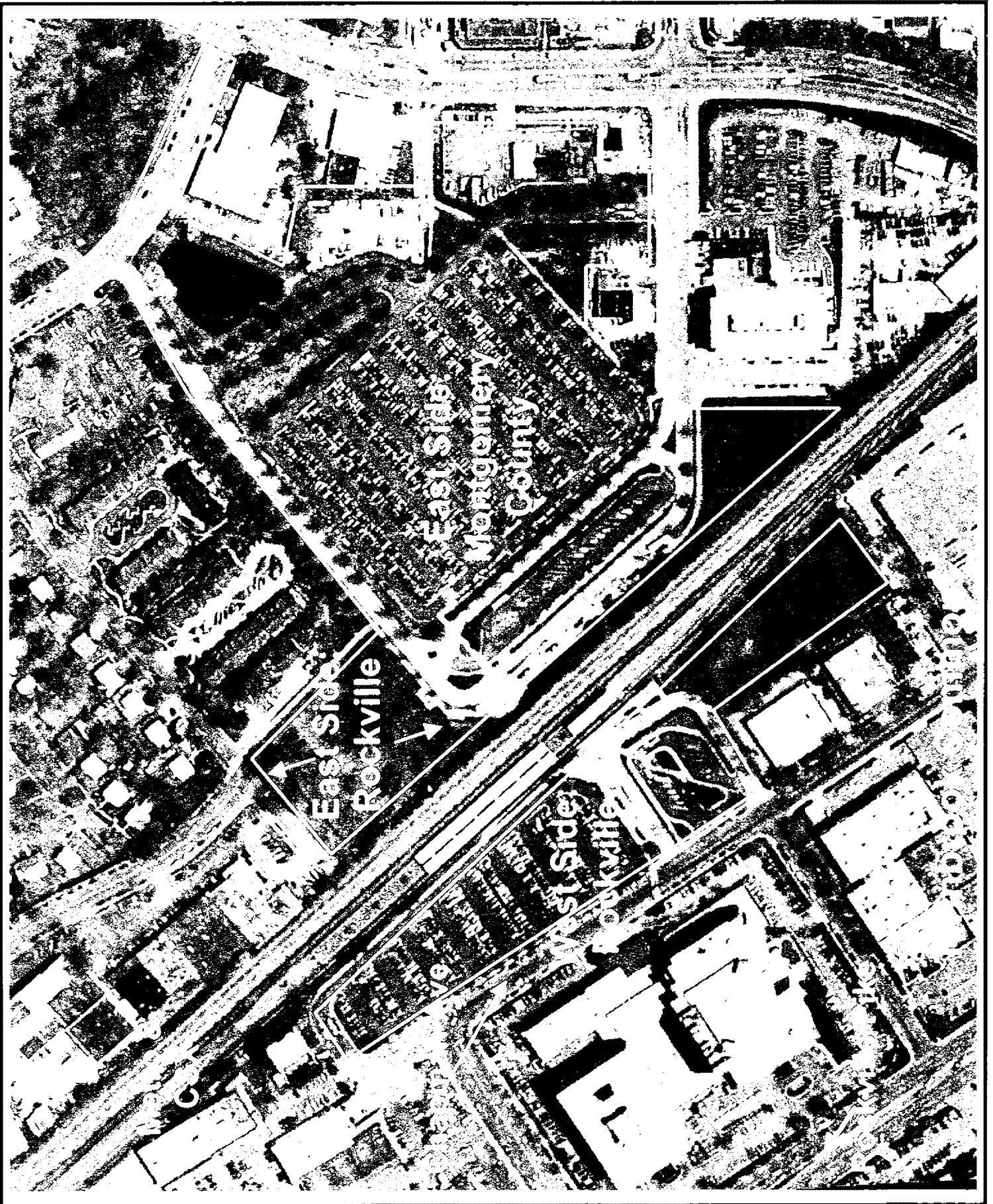
11/29/04  
Date

Scott Ullery  
Scott Ullery, City Manager

12/01/04  
Date

LIST OF ATTACHMENTS:

1. Aerial Location Map
2. Location Map (from PDP submittal)
3. Resolution





Resolution No. \_\_\_\_\_

RESOLUTION: To provide for a new public hearing date in connection with the annexation of 16.96 acres of land, more or less, of the Washington Metropolitan Area Transit Authority

WHEREAS, a petition has been presented by Washington Metropolitan Area Transit Authority requesting that a parcel of land totaling 16.96 acres of land, more or less, be annexed by the Mayor and Council, which parcel is located east of the Twinbrook Metro Station and west of Twinbrook Parkway adjacent to the boundary of the City; and

WHEREAS, the signatures on said petition have been verified and it has been ascertained that the persons signing said petition represent at least twenty-five percent (25%) of the persons who reside in the area to be annexed, who are registered voters in county elections in the precinct or precincts in which the territory to be annexed is located, and the owners of twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and

WHEREAS, pursuant to the provisions of Section 19(c) of Article 23A of the Annotated Code of Maryland, a resolution has been introduced which, if adopted, would annex the additional property referenced herein, which property is more particularly described in said resolution; and

WHEREAS, on September 13, 2004, the Mayor and Council adopted Resolution No. 22-04, to provide for a public hearing on November 1, 2004, in connection with the subject annexation; and

WHEREAS, counsel for the applicant and City staff requested that the public hearing be rescheduled to a later date to allow for additional information on the development proposal for the property to be submitted and evaluated; and

WHEREAS, on October 4, 2004, the Mayor and Council adopted resolution No. 25-04, providing for a new public hearing on December 6, 2004, in connection with the subject annexation; and

WHEREAS, counsel for the applicant and City staff have requested more time to submit and evaluate additional information on the development proposal and have requested that the public hearing be rescheduled from December 6, 2004, to a later date; and

WHEREAS, the purpose of this resolution is to establish a new public hearing date of January 10, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. That the City Clerk is instructed to cause a public notice of the resolution which has been introduced which, if adopted, would annex property of Washington Metropolitan Area Transit Authority to be published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice to specify that a public hearing will be held on the resolution in the office of the Mayor and Council at 7:00 p.m. or as soon thereafter as it may be held, on the 10<sup>th</sup> day of January 2005, in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850.

2. That the City Clerk is instructed to provide an outline for the extension of services and public facilities into the area proposed to be annexed to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission at least thirty days prior to the holding of the scheduled public hearing.

3. That immediately upon the first publication of the public notice of said resolution, the City Clerk is instructed to cause said public notice and the Planning Commission's Preliminary Report to be provided to the County Executive of Montgomery County, Maryland, Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission.

\* \* \* \* \*

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council at its meeting of \_\_\_\_\_.

\_\_\_\_\_  
Claire F. Funkhouser, CMC, City Clerk